HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.3364 of 2000

Dated 16th day of July, 2007

Between:

Md. Ahmed (died)
and 7 others ..
Petitioners

And

The Joint Collector, Ranga Reddy District,
Khairatabad, Hyderabad
and two others ..
Respondents

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O R D E R:

This writ petition is filed to quash the order, dated 30.12.1999 in Case No.D5/524/99 passed by the 1st respondent-Joint Collector.

The petitioners assert that the 1st petitioner-deceased is the absolute owner of the lands admeasuring Ac.06.17 guntas in S.Nos.90, 91, 169, 170 and 71 situated in Batasingaram village, Hayatnagar Mandal, Ranga Reddy District which are his ancestral properties and for nearly 50 years, he has been in possession and enjoyment of them. The 2nd respondent-Mandal Revenue Officer, on an application filed by the 1st petitioner, after conducting an elaborate enquiry, passed an order dated 20.5.1978 regularizing his possession over the lands in question under Record of Rights Act. Questioning this order, the 3rd respondent, after a lapse of 20 years i.e. on 27.1.1999, filed a revision along with an application to condone the delay in filing the revision before the 1st respondent. Now, the petitioners' grievances is that the 1st respondent, without any jurisdiction, condoned the delay of 20 years in filing the revision petition, by his order dated 30.12.1999.

Heard the learned counsel for both the parties.

It may be true that the revision may not be entertained after a lapse of about 20 years, but the fact remains that the 1st petitioner was absent in spite of service of notice on him. In fact, at paragraph 2 of the order, the 1st respondent-Joint Collector held that on 27.12.1999, he heard the arguments of the learned counsel for the 3rd respondent, but

the counsel for the 1st petitioner was called absent. It is not as though the revision before the 1st respondent is concluded. In fact, after allowing the application to condone the delay, the 1st respondent posted the matter to a subsequent date for further hearing, and at that juncture the 1st petitioner has filed this writ petition and obtained interim stay of all further proceedings.

Having regard to the facts and circumstances of the case, this Court is of the view that the petitioners, instead of approaching this Court, can as well agitate before the 1st respondent as to why the revision preferred by the 3rd respondent shall not be entertained.

Hence, I see no merits in this writ petition and the same is dismissed giving liberty to the petitioners to raise all contentions before the 1st respondent as to how the revision petition shall not be entertained. No costs.

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16.07.2007

bcj